

1-1 By: Fraser S.B. No. 1853
1-2 (In the Senate - Filed March 25, 2013; March 26, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 11, 2013, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hinojosa	X		
1-9	Nichols	X		
1-10	Garcia	X		
1-11	Paxton	X		
1-12	Taylor	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the amendment of restrictions affecting real property
1-16 in certain subdivisions.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Subdivision (4), Section 211.001, Property Code,
1-19 is amended to read as follows:

1-20 (4) "Residential real estate subdivision" or
1-21 "subdivision" means all land encompassed within one or more maps or
1-22 plats of land that is divided into two or more parts if:

1-23 (A) the maps or plats cover land all or part of
1-24 which is not located within a municipality and:

1-25 (i) for a county with a population of less
1-26 than 65,000, is not located within the extraterritorial
1-27 jurisdiction of a municipality; ~~or~~

1-28 (ii) for a county with a population of at
1-29 least 65,000 and less than 135,000, is located wholly within the
1-30 extraterritorial jurisdiction of a municipality; or

1-31 (iii) for a county that borders Lake
1-32 Buchanan and has a population of at least 18,500 and less than
1-33 19,500, is located wholly within the extraterritorial jurisdiction
1-34 of a municipality;

1-35 (B) the land encompassed within the maps or plats
1-36 is or was burdened by restrictions limiting all or at least a
1-37 majority of the land area covered by the map or plat, excluding
1-38 streets and public areas, to residential use only; and

1-39 (C) all instruments creating the restrictions
1-40 are recorded in the deed or real property records of a county.

1-41 SECTION 2. Subsection (a), Section 211.002, Property Code,
1-42 is amended to read as follows:

1-43 (a) This chapter applies only to a residential real estate
1-44 subdivision or any unit or parcel of a subdivision:

1-45 (1) all or part of which is located within an
1-46 unincorporated area of a county if the county has a population of
1-47 less than 65,000; ~~or~~

1-48 (2) all of which is located within the
1-49 extraterritorial jurisdiction of a municipality located in a county
1-50 that has a population of at least 65,000 and less than 135,000; or

1-51 (3) all of which is located within the
1-52 extraterritorial jurisdiction of a municipality located in a county
1-53 that borders Lake Buchanan and has a population of at least 18,500
1-54 and less than 19,500.

1-55 SECTION 3. This Act takes effect September 1, 2013.

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